

CHAPTER FOUR

ADMINISTRATIVE PROCEDURE

Section 4-10 Permits Required - Any land use change, grading, construction, or similar activity that is required to have a permit pursuant to these Codes must post the permit number in a location visible from the public right of way until the activity is completed and / or a Certificate of Use / Occupancy has been issued by the Planning and Zoning department and the Building Inspections department. When applying for a land use permit, the applicant shall be required to inquire with the Building Inspections Department and obtain the necessary permits if needed. Though in some instances a permit will not be required by one of the departments, both departments are required to sign the Certificate of Occupancy. All developments that require a permit pursuant to the Unified Development Codes, must receive a permit prior to receiving utility services. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of these Codes, Pre-Application consultation between the developer and the planning staff is encouraged or required.

A. Division I Permits (Chapter Five) - Division I permits are required for:

1. New single-family dwellings.
2. Additions onto single-family dwellings. (No permit required for personal use outbuilding) all accessory buildings must have an Accessory Building Statement Form in the P&Z office file. (See Definition 301 for Personal Use Outbuilding.)
3. Sediment & Erosion Control Permits (If not issued in conjunction with another permit). Refer to Chapter 19.
4. Placement of Manufactured Homes.
5. Moving an Existing Structure.
6. Administrative Minor Subdivisions - A parcel of land may be divided into not more than three (3) tracts with a Division I Administrative Minor Subdivision permit if no internal improvements are required and it meets all of the other requirements of Section 4-70 through Section 4-80. Any further subdividing of the parent parcel, or resulting parcels requires a Division II or III permit.
7. Re-Configurations of Lots/Line Adjustments to parcels which do not require vacating an easement or right of ways shall be approved by the Planning and Zoning Administrator as long as no additional parcels are created or left and the plat when finished will not create a more non-conforming parcel than first existed. Smaller lots require a BOA Variance.

B. Division II Permits (Chapter Six) - Division II permits are required for:

1. Other residential uses (Not including single or multifamily uses).
2. Public Institutional Uses.
3. Change of Principal Use within a Land Use Category. (See Table 20-1 Table of Permissible Uses). (For example from a 2.100 Use to a 2.200 Use.)
4. Creating a re-subdivision/re-plat which will require vacating of a right-of way or recorded easement, or the installation of required improvements. (RSMO64.580) Co Rd vacations require RSMO228.110/Non-Co Rd Div II

C. Division III Permits (Chapter Seven) - Division III permits are required for:

1. Establishment of new land uses. (Other than Single-Family Residential or Agricultural).
2. Changing from one Land Use Category to another, for example from 5.000 Educational to 3.000 Office. (See Table 20-1 Table of Permissible Uses).
3. Multifamily residences.
4. Expansion, addition or change of a Grandfathered Land Use. (Other than Single-Family Residential or Agricultural).
5. Subdivisions of four lots or more.
6. High Density Animal Feeding Operations, as defined under RSMo. 640.700 through 640.755.
7. Creating a Commercial Tract.

D. Exempt Uses -

1. Agricultural land uses (not including High Density Animal Feeding Operations), the raising of crops, pasture, or orchards; forestry; and the erection, maintenance, repair, alteration, or extension of farm buildings, as defined in Chapter Two, shall not be subject to the requirements of these Codes.
2. Public utility uses that are used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, natural gas, or oil and such structures that are incidental to the operation of the public utility use, as determined by the designated official, shall not be subject to the requirements of these Codes.
3. Temporary seasonal uses such as fireworks, fruit and vegetable, or Christmas tree sales that do not pose a significant threat to the public's health, safety, and welfare shall not require a permit.
4. Cemeteries shall not be subject to the requirements of these Codes (refer to State Statutes)

E. On-Site Inspections - Filing of an application constitutes permission for the County to conduct inspections of the proposed development's site.

- F. **Referrals** - The staff shall refer applicants for permits to the following agencies, as appropriate, for comments: Missouri Departments of Conservation, Missouri Department of Natural Resources, Missouri Department of Transportation; United States Army Corps of Engineers, Federal Emergency Management Agency (FEMA), United States Forest Service, school districts, Christian County Health Department, and incorporated municipalities.
- G. **Effect of Permit on Successors and Assigns** - Permits authorize the applicant to make use of land and structures in a particular way. Such permits are transferable, subject to Section 16-10 - Home Occupations. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purpose for which the permit was granted, then:
1. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit or the purpose authorized in the permit except in accordance with all the terms and requirements of that permit, and
 2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property.

Section 4-15 Other Permit Requirements

- A. **Staff Report** - When presented to the Board of Adjustment or Planning and Zoning Commission at the hearing, the application for permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with the requirements of these Codes, as well as any staff recommendations for additional requirements to be imposed by the Planning and Zoning Commission or the Board of Adjustment. If the staff proposed a finding or conclusion that the application fails to comply with any requirement, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- B. **Representations** - All representations made in an application for a permit and that are necessary for compliance with any absolute policy or to secure a positive or zero (0) rating on any relative policy are binding.
1. Failure to fulfill any representation during construction or use of a development may result in suspension or revocation of the development's Certificate of Use / Occupancy, (See Section 4-38 - Certificates of Use / Occupancy).

2. Applications for permits or minor subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the minor subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under these Codes, or the agents of such persons (who may make application in the name of such owners, lessees, or contract venders).
 3. The administrator may require an applicant to submit evidence of his authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.
- C. **Engineer Plan Review** - When an Engineer Plan is required, the County Engineer must review and approve the plans before being scheduled or approved for a land use permit. The review fee must be paid by the Applicant/Developer before the County Engineer will release the letter of compliance.
- D. **Construction** - Permits that authorize a land use change shall expire automatically if, within one hundred and eighty (180) days after the issuance of all permits:
1. Less than 10 percent of the total of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 12-20 - Phasing), this requirement shall apply only to the first phase.
 2. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of twelve (12) months, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 4-10, G - Effect of Permit on Successors and Assigns.
 3. The permit-issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to Subsections (1) or (2) if it concludes that the permit has not yet expired, the permit recipient has proceeded with due diligence and in good faith, and conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

E. Conditions - Conditions may be imposed on the issuance of any permit.

1. They shall be clearly designed to implement one or more of the adopted policies and shall be clearly stated in the decision of record. All additional conditions or requirements shall be entered on the permit.
2. Failure to fulfill any condition imposed during construction or use of a development may result in suspension or revocation of the development's Certificate of Use / Occupancy. (See Section 4-38 - Certificates of Use / Occupancy).
3. The Planning and Zoning Commission may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

F. Application Forms - Applications for permits shall be made on forms provided by the County. Incomplete applications shall not be considered for approval. An application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of these Codes. It is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. The applicant may rely in the first instance on the recommendations of the administrator as to whether more or less information should be submitted.

G. Amendments to and Modifications of Issued Permits

1. Insignificant deviations from the permit (including approved plans) are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
2. Minor design modifications or changes in permits (including approved plans) are permissible and may be obtained without a formal application, public hearing, or payment or any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
3. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Planning and Zoning Commission or Board of Adjustment, new conditions may be imposed in accordance with Section 4-15, E - Conditions, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

4. The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth in Subsections (1), (2), (3).
5. A developer requesting approval of changes shall submit a written request for such approval to the administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

Section 4-18 Accessory Building - A building of greater than 150 square feet that is located on a lot or parcel and is or will be used incidentally to the principal use or that is or will be used for an accessory use. No permit is required for personal use outbuilding, though a statement will be required to be filed in the Planning and Zoning office. The office will provide the form to be used. Setbacks as listed in Chapter 13 must be met unless the use is agriculture.

- A. **Small Accessory Buildings** - No permit or statement filed with the staff is required for small non-commercial structures not exceeding 150 square feet and not intended or used as quarters for living, sleeping, eating or cooking. The building cannot be located on property that has a commercial Land Use. Setbacks as defined in Chapter Thirteen shall be met on a building located on any parcel, tract, lot, or trailer parks.
- B. **Home Occupation** - Must meet the regulations in Section 16 - Home Occupation.

COUNTY OF CHRISTIAN

Planning & Zoning
100 W. Church Room 203
Ozark, MO 65721

Telephone (417) 581-7242
Facsimile (417) 581-4623

**Statement of Personal Use
for
Accessory Buildings**

TO: Christian County Planning & Zoning Department

FM: _____
Applicant Name

Applicant Address

City, State, Zip

RE: Statement of Use for an Accessory Building

This letter is to confirm that I, _____, do hereby
State that the building I am erecting at _____ will
upon completion be for my personal use only, shall not be used for a
residence, and will not contain or be used for any commercial business
or commercial storage. Setbacks are; 20 ft. from any structure, 10 ft
from property lines & any utility easement, 50 ft from the center of a
County road ROW, 50 ft from the right-of-way of a state highway.
Should the use change, I will contact the Christian County Planning
and Zoning office prior to any such change.

Signature

Subscribed and sworn this ____ day of _____ 20 ____ . I
_____ hereby state that _____ appeared
before me and has sworn to the above statement.

Commission Expires

Notary

EFFECTIVE DATE; January 15, 2009

Section 4-19 Administrative Conditional Use Permit - A Division I Conditional Use permit may be issued, subject to the following requirements:

- A. The Planning and Zoning Administrator may grant a Conditional Use Permit for the location of a Manufactured Home on an existing tract of record when an existing residence has been damaged or destroyed by casualty, so the owners may occupy the Manufactured Home during reconstruction. A denial by staff may be appealed to the Planning and Zoning Commission.

Section 4-20 Enforcement and Review - According to Section 1-65 - Enforcement, Violations, and Penalties, it shall be the duty of the Designated Official to enforce these regulations and to bring to the attention of the Christian County Prosecuting Attorney any violations or lack of compliance herewith.

- A. **Complaints Regarding Violations** - Upon receipt of a signed complaint, an on-site inspection shall be conducted to determine if a violation exists. The Administrator shall take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.
- B. **Persons Liable** - The owner, tenant, or occupant of any building or land or part therefore and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these Codes may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
- C. **Procedures Upon Discovery of Violations** - If the administrator finds a possible violation, then;
 - 1. The owner, tenant, or lessee shall be notified by posting the site, mail or other available means. This written notice will indicate the nature of the violation and order the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.
 - 2. If the matter is not resolved in a timely manner then a Notice of Violation shall be issued, the site shall be posted, and a copy of the Notice shall be sent to the owner of record by certified, return receipt mail. The Notice of Violation shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 4-68 - Appeals. If action to correct the violation has not been taken within ten (10) days, the matter shall be turned over to the County Prosecuting Attorney for enforcement.

3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of these Codes or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized by Subsection (D).
4. The administrator may issue a Cease and Desist Order at any time, after finding a possible violation. This Stop Work Order may be conditional, in which it may stipulate that certain work be continued if these actions are necessary in order to protect the public health, safety or welfare.

D. Penalties and Remedies for Violation - Any person, firm, or corporation that fails to comply with or violates any of these regulations shall be deemed guilty of a misdemeanor and be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment in the County jail for a period not exceeding one (1) year, or both. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

E. Permit Revocation - A permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of these Codes, or any additional requirements lawfully imposed by the permit-issuing authority.

1. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any reason shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
2. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
3. Before a land use permit may be revoked, the administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the applicant a written statement of the decision and the reasons therefore.
4. No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been revoked in accordance with this section.

PLANNING AND ZONING COMMISSION

Section 4-30 Planning and Zoning Commission - The Planning and Zoning Commission shall provide for the preparation, adoption, amendment, extension and carrying out of the Comprehensive Plan for Christian County for all areas of the County outside the corporate limits of any city, town or village, in accordance with the laws of the state.

- A. Membership** - The Planning and Zoning Commission shall consist of one resident of the County appointed by the County Commission, from the unincorporated part of each township in the County, except that no person shall be appointed from a township in which there is no unincorporated area.
- B. Terms** - The term of each member shall be four years or until his successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years. Members may be appointed to successive terms.
- C. Officers** - At its first meeting in February of each year, the Planning and Zoning Commission shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Planning & Zoning Commission's meetings, one member to serve as vice-chairman, and one member to serve as secretary. The people so designated shall serve in these capacities for terms of one year. The Chairman shall serve no more than two consecutive terms in that position. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Planning & Zoning Commission membership (excluding vacant seats). The chairman, vice-chairman, and secretary may take part in all deliberations and vote on all issues.
- D. Meetings** - The Planning and Zoning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on permit applications and cases brought before it in a timely manner. Minutes shall be kept of all proceedings. All meetings shall be open to the public, and whenever feasible the agenda for each meeting shall be made available in advance of the meeting.
 - 1. All members of the Planning and Zoning Commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses for hearings, and not to exceed two administrative meetings per month.
 - 2. The Planning and Zoning Commission may, by majority vote, request that a member be removed for failure to attend four consecutive meetings; or for failure to attend six or more meetings within any 12-month period; or for any other good cause related to performance of duties. Vacated seats and excused absences shall not be held against the member.

- E. **Powers and Duties** - The Planning and Zoning Commission shall have such powers as may be necessary and proper to enable it to perform the duties imposed upon it by law. The Planning and Zoning Commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of the Unified Development Codes. The duties of the Planning and Zoning Commission are:
1. Make studies and recommend to the County Commission plans, goals, and objectives relating to the growth, development, and redevelopment of the County.
 2. Develop and recommend to the County Commission policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 3. Evaluate and issue permits in accordance with the Unified Development Codes.
- F. **Quorum** - A quorum for the Planning and Zoning Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Planning and Zoning Commission to take official action.
- G. **Voting** - Approval or denial of Applications shall be in accordance with Section 6-10 - Division II Permit Procedure, Section 7-10 - Division III Permit Procedure, and all other requirements of these Codes. All other actions of the Planning and Zoning Commission shall be taken by majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.

Section 4 -35 Notice of Public Hearings - In an effort to inform the public of proposed land use changes public notice shall be given through the following methods:

- A. **Pre-Application Hearing** - The developer must submit a sketch plan and letter notices which are mailed to all property owners within one thousand (1,000) feet of the proposed development by regular mail at least six (6) days prior to the Pre-Application hearings for Division II and III Permits.

Notice of Proposed Land Use Change

The Christian County Planning and Zoning Staff will conduct a Pre-Application Conference on the application of (developer) to develop a _____ in the (insert legal description). The proposed development is located at (insert address or other description). Public comment on this proposed development will be accepted at the hearing, which will be held on (month, day) at (time) at 100 West Church Street, Room 208, Ozark, Mo. The purpose of the Pre-Application Conference is to acquaint the neighbors with the nature of a proposed development, although required, the Pre-Application Conference is not regulatory, but is intended to resolve possible conflicts with the neighbors.

B. Planning & Zoning Commission Public Hearing For Division II and III Permits

- The developer will provide public notice of the Planning & Zoning Commission Public hearing by certified mail and newspaper notice. Notice of public hearings shall be posted on the property described in the application for the permit. The notice shall include the time, date and location of said hearing. The notice shall be supplied and posted by the staff at least fifteen (15) days prior to the hearing. If for some reason the application has been tabled or continued for two meetings, re-notification of the neighbor shall be sent out at the applicant's expense.

1. The developer must submit a sketch plan and letter notices which are mailed to all property owners within one thousand (1,000) feet of the proposed development by certified mail at least fifteen (15) days prior to the Planning and Zoning Commission public hearing. In sparsely populated areas, staff may require additional notification. The Developer shall provide the Planning Office with addressed, stamped notices for this purpose, as well as a list of property owners to whom notices are sent. Notices will be mailed by staff at the developer's expense.
2. Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper (s). The developer shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published. Sample notice:

Notice of Proposed Land Use Change

The Christian County Planning and Zoning Commission will conduct a public hearing on the application of (developer) to develop a _____ in the (Insert legal description). The proposed development is located at (insert address or other description). Public comment on this proposed development will be accepted at the hearing, which will be held on (month, day) at (time) at 100 West Church Street, Room 208, Ozark, Mo. A copy of the application is available for public review at the Christian County Planning and Zoning Dept. at 100 W. Church Room 203 in Ozark.

Section 4-38 Certificate of Use / Occupancy

- A. **Certificate of Use / Occupancy Required** - No development or approved phase of a development shall be occupied or operated before a Certificate of Use / Occupancy has been issued. The purpose of this certificate is to certify that the development has been constructed in full compliance with all representations made and all conditions imposed in the permit approval. A Certificate of Use / Occupancy shall be issued by the Planning and Zoning and the Building Inspection staff only after on-site inspections demonstrate that the development has been constructed as represented and required in its permit approval or a performance bond, escrow account or irrevocable letter of credit has been submitted and made payable to the County Commission (as required in Section 12-25, B - Bond Required). In no case shall a Certificate of Use / Occupancy be issued prior to the Planning and Zoning department receiving an approved final inspection report from Building Inspections Department and approval for use of the waste water treatment system, if required.
- B. **Suspension** - A Certificate of Use / Occupancy may be suspended at any time on-site inspections show that any continuing condition of permit approval is not being fulfilled (an example would be failure to maintain healthy plantings in a required buffer area). A written notice of suspension shall be served on the owner or operator of the development, requiring that the development return to compliance with its permit within Thirty (30) days or be vacated. A notice of suspension may be appealed to the Board of Adjustment.
- C. **Revocation** - If a Certificate of Use / Occupancy has been suspended and Thirty (30) days have passed without the development returning or demonstrating diligent efforts to return to compliance with its permit (or filing an appeal that stays further proceedings until it is heard), the Certificate of Use / Occupancy shall be revoked and a notice of revocation served, requiring vacation of the development within ten (10) day.

Section 4-40 Planning and Zoning Commission Hearing Procedures

- A. **Hearing Required** - Before making a decision on an application for a permit the Planning and Zoning Commission shall hold a hearing on the application. The hearing shall be open to the public. The Planning and Zoning Commission Chairman may place reasonable and equitable limitations on the presentation of evidence and arguments so that the matter at issue may be heard and decided without undue delay.

B. **Agenda** - The agenda for each meeting and the order of business shall be as follows:

- I. Preliminaries of Meeting
 - A. Call to Order
 - B. Roll Call
 - C. Approval of Minutes
- II. Old Business
- III. Second Hearings
 - A. Staff Report and Review of New Evidence
 - B. Questions by Planning and Zoning Commission
 - C. Public Discussion of New Evidence
 - D. Decision
- IV. First Hearings
 - A. Staff Report
 - B. Presentation of the Applicant
 - C. Presentation of any Interested Parties
 - D. Questions by Planning and Zoning Commission
- V. New Business
- VI. Adjournment

C. **Order of Presentations** - Each case shall be heard in the following order:

- 1. Presentation of the Planning and Zoning Administrator
- 2. Presentation of the applicant
- 3. Presentation of any interested Parties.

D. **Modification of Application** - In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning and Zoning Commission, the applicant may agree to modify his application, including the plans and specifications submitted.

E. **Reconsideration of Action** - Whenever the Planning and Zoning Commission disapproves a permit application on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the Planning and Zoning Commission at a later time unless the applicant clearly demonstrates, to the satisfaction of the Chairman of the Planning and Zoning Commission, that:

- 1. Circumstances affecting the property that is the subject of the application have substantially changed, or
- 2. New information is available that could not with reasonable diligence have been presented at a previous hearing.
- 3. A request to be reconsidered must be filed with the administrator within the time period for an appeal. (See Section 4-68, A - Appeals Procedure). However, such a request does not extend the period within which an appeal must be taken.

- F. **Burden of Proof** - The burden of presenting a complete application shall be upon the applicant. However, unless the Planning & Zoning Commission informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in these Codes rests on the party or parties urging that requested permit should be denied.
- G. **Division II Conditional Use** - The Planning and Zoning Commission may grant a Conditional Use Permit for the placement of a Manufactured Home or the occupancy of an accessory apartment on an existing tract adjacent to an existing residence, when the Planning and Zoning Commission finds that it is necessary to provide assistance to individuals, who are related by blood or marriage to the care provider, in order to live independently, and there will be no substantial adverse effect on the neighborhood. The care providers may occupy the existing residence or the manufactured home / accessory apartment.
1. Written application for a Conditional Use Permit to be heard by the Planning and Zoning Commission shall be filed with staff at least twenty (20) days before the Planning and Zoning Commission meeting. The applicant shall provide Public Notice by letter to owners of property within such radius of the property as determined by staff. If for some reason the application has been tabled or continued for two meetings, re-notification of the neighbor shall be sent out at the applicant's expense. The Planning and Zoning Commission shall state any required conditions and the duration of the permit, or may provide for annual renewal by staff, if the staff determines that the need continues to exist and all conditions have been complied with.
 2. The Planning and Zoning Commission may act upon a Conditional use permit application after one public hearing. The permit shall be issued or denied by majority vote of the Planning and Zoning Commission, in accordance with Section 4-30, G - Voting. Conditional Use permits will be considered under old business for the sake of expediency.
 3. Conditional Use Permits shall be reviewed every 12 months administratively, to verify the use still exists.

CODE AMENDMENTS

Section 4-50 Code Amendments in General - Amendments to the text of these codes may be made in accordance with the provisions of this section. To provide an annual review of the Codes the Christian County Planning and Zoning Commission shall schedule Unified Development Code meetings in February and/or from time to time as needed as decided by the administrative staff in consultation with the Planning and Zoning Commission Chairman. These meetings shall be devoted to a review of permits issued during the previous year, to a hearing of public comments on the Codes, and to the initiation of amendments the Planning and Zoning Commission may consider necessary to improve the Codes' performance as a growth-management tool.

Section 4-51 Initiation of Amendments

- A. **Administrative Requests** - Whenever a request to amend these codes is initiated by the County Commission, the Planning and Zoning Commission, the Board of Adjustment, or the Planning and Zoning administrator; the planning staff, in consultation with the county attorney, shall draft an appropriate amendment and present that proposed amendment to the Planning and Zoning Commission for review during a public hearing. The Planning and Zoning Commission shall then forward the proposed amendment, and any recommended changes or comments, to the County Commission within thirty (30) days of the public hearing.
- B. **Public Requests** - Any other person may also petition to amend these codes. The petition shall be filed with the administrator and shall include, along with any other information deemed relevant by the administrator:
1. The name, address, and phone number of the applicant,
 2. A description of the proposed change or a summary of the specific objective of any proposed change in the text of these codes.
 3. Upon the setting of a hearing date, the applicant shall provide public notice as provided by Section 4-54, Notice of Public Hearing.
- C. **Receipt of Petition** - Upon receipt of a petition as provided in Subsection (B), the administrator shall either:
1. Treat the proposed amendment as one initiated by an administrative body and proceed in accordance with Subsection (A) if he believes that the proposed amendment has significant merit and would benefit the general public, or
 2. Forward the petition to the County Commission with or without written comment for a determination of whether an amendment should be drafted and a public hearing set in accordance with Subsection (D).

- D. **Date of Public Hearing** - Upon receipt of a proposed amendment as provided in Subsection (A), the County Commission may establish a date for a public hearing on it. Upon receipt of a petition for an amendment as provided in Subsection (B), the County Commission may summarily deny the petition or set a date for a public hearing on the requested amendment and order the administrator, in consultation with the county attorney, to draft an appropriate amendment.

Section 4-52 Planning and Zoning Commission Consideration of Proposed Amendments

The Planning and Zoning Commission shall review the proposed amendment in a timely fashion so that any recommendations it may have can be presented to the County Commission at the public hearing on the amendment. However, if the Planning and Zoning Commission is not prepared to make recommendations at the public hearing, it may not be referred to the County Commission.

Section 4-53 County Commission Consideration of Proposed Amendments

- A. **Actions on Proposed Amendments** - At the conclusion of the public hearing on a proposed amendment, the County Commission may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- B. **Time Period** - The County Commission is required to take final action on a proposed amendment within a reasonable time.
- C. **Voting on Amendments** - Voting on amendments to these codes shall proceed in the same manner as other ordinances.

Section 4-54 Notice of Public Hearing

- A. Public Hearing Required** - No amendment to any of the provisions of these Codes may be adopted by the County Commission until a public hearing has been held on such amendment.
- B. Newspaper Notice** - The Planning and Zoning Staff shall publish a notice of the public hearing. Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper (s).
- C. Post Notices** - The planning staff shall post notices of the public hearing and take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing on any proposed amendment.
- D. Required Information** - The notice required or authorized by this section shall:
 - 1. State the date, time, and place of the public hearing,
 - 2. Summarize the nature and character of the proposed change,
 - 3. State that the full text of the amendment can be obtained from the Planning and Zoning Department, and
 - 4. State that substantial changes in the proposed amendment may be made following the public hearing.
- E. Failure to Notify** - The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the County Commission's intention that failure to comply with any of the notice provisions [except those set forth in Subsection (B)] shall not render any amendment invalid.

BOARD OF ADJUSTMENT

Section 4-60 Board of Adjustment

- A. **Membership** - The County Commission shall appoint a Planning and Zoning Board of Adjustment. The board shall consist of five residents of the County, but not more than two shall be residents of the incorporated area of the County and not more than one may be a member of the County Planning and Zoning Commission.
- B. **Terms** - The membership of the first board appointed shall serve respectively: One for one year, one for two years, one for three years, two for four years. Thereafter members shall be appointed for terms of four years each. Members shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.
- C. **Officers** - The Board of Adjustment shall elect its own chairman and vice chairman and adopt rules of procedure consistent with the provisions of the zoning regulations and the provisions of RSMo sections 64.510 to 64.695. The people so designated shall serve in these capacities for terms of one year, and shall not serve two consecutive terms in the same office. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses.
- D. **Meetings** - Meetings of the Board of Adjustment shall be held at the call of the Chairman, but unless otherwise specified the regular meeting time and place shall be the first Tuesday of the month at 9:00 A.M. at the Christian County Planning and Zoning Department. All meetings of the Board of Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which shall be filed in the office of the board and shall be a public record.
- E. **Powers and Duties** - The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The Board of Adjustment shall have the following powers and it shall be its duty:
1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the County zoning regulations in accordance with Section 4-68 - Appeals.
 2. To hear and decide variance applications in accordance with Section 4-67 - Variances.

3. To hear and decide all matters referred to it or which it is required to determine under the zoning regulations.
- F. **Quorum** - A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- G. **Finding of Fact** - With respect to appeals, a motion to reverse or affirm any order, requirement, decision, or determination shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion. With respect to variances, any motion to deny or grant a variance shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- H. **Voting** - The concurring vote of four-fifths of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer or body; or to decide in favor of the appellant / applicant any matter upon which it is required to pass under any ordinance, or to grant any variance. If a motion to reverse or modify is not made then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the board's membership (excluding vacant seats). All other actions of the board shall be taken by majority vote, a quorum being present.

Section 4-65 Board of Adjustment Hearing Procedures

- A. **Hearing Required** - Before making a decision on an appeal or application for a variance the Board of Adjustment shall hold a hearing on the appeal or application. The application fee for new Board of Adjustments shall be \$250.00. Fees for opposition appeals shall also be \$250.00. Appeals for the initial client will be granted at no charge. The \$250.00 fee shall apply to all Board of Adjustments. The hearing shall be open to the public. The Board of Adjustment Chairman may place reasonable and equitable limitations on the presentation of evidence and arguments so that the matter at issue may be heard and decided without undue delay. (Refer to Chapter 4-65(I) Notice of Public Hearings.)

B. **Agenda** - The agenda for each meeting and the order of business shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Old Business and Hearings
4. New Business
5. Adjournment

C. **Order of Presentations** - Each case shall be heard in the following order:

1. Presentation of the applicant or appellant.
2. Presentation of the Planning and Zoning Administrator
3. Presentation of any interested Parties.

Rebuttal testimony shall be in the same order in which presentations are made and shall be limited to Five (5) minutes per side unless special permission shall be given by the Chairman for additional time.

D. **Modification of Application** - In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.

E. **Written Decision** - Any decision made by the Board of Adjustment regarding an appeal or variance shall be served upon the applicant or appellant in writing. This decision will be available for all other persons who are interested.

F. **Rehearing** - Any party aggrieved by a decision of the Board may request a rehearing. The request for rehearing shall be in writing and within seven (7) days of the Board decision. The Chairman shall determine based on the evidence whether such a request should be granted. The Board shall not grant such request to any party who did not appear at the original hearing and who cannot demonstrate that there is new evidence to be presented to the board because such evidence was not in existence at the time of the original hearing or was not available to the person making the request despite diligent efforts. The decision of the Board to grant such a request shall act as a nullification of the Board's previous order, and the Board shall direct the Administrator to have the appropriate notices given for the rehearing.

G. **Amendments to Procedures** - These rules and procedures may be amended, rescinded, supplemented or repealed at any time by a concurring vote of a majority of the regular board membership (excluding vacant seats).

B. **Agenda** - The agenda for each meeting and the order of business shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Old Business and Hearings
4. New Business
5. Adjournment

C. **Order of Presentations** - Each case shall be heard in the following order:

1. Presentation of the applicant or appellant.
2. Presentation of the Planning and Zoning Administrator
3. Presentation of any interested Parties.

Rebuttal testimony shall be in the same order in which presentations are made and shall be limited to Five (5) minutes per side unless special permission shall be given by the Chairman for additional time.

D. **Modification of Application** - In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.

E. **Written Decision** - Any decision made by the Board of Adjustment regarding an appeal or variance shall be served upon the applicant or appellant in writing. This decision will be available for all other persons who are interested.

F. **Rehearing** - Any party aggrieved by a decision of the Board may request a rehearing. The request for rehearing shall be in writing and within seven (7) days of the Board decision. The Chairman shall determine based on the evidence whether such a request should be granted. The Board shall not grant such request to any party who did not appear at the original hearing and who cannot demonstrate that there is new evidence to be presented to the board because such evidence was not in existence at the time of the original hearing or was not available to the person making the request despite diligent efforts. The decision of the Board to grant such a request shall act as a nullification of the Board's previous order, and the Board shall direct the Administrator to have the appropriate notices given for the rehearing.

G. **Amendments to Procedures** - These rules and procedures may be amended, rescinded, supplemented or repealed at any time by a concurring vote of a majority of the regular board membership (excluding vacant seats).

H. Burden of Proof

1. When an appeal is taken to the Board of Adjustment in accordance with Section 4-68 - Appeals, the administrator shall present the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
2. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions on Granting a variance (as set forth in Section 4-67, A - Granting of Variance) as well as the burden of persuasion on other issues before the Board, remains with the applicant seeking variance.

I. Notice of Public Hearings - The applicant will provide public notice of the Board of Adjustment hearing by certified mail and newspaper notice. Notice of public hearings shall be posted on the property described in the application for the permit. The notice shall include the time, date and location of said hearing. The notice shall be supplied and posted by the staff at least fifteen (15) days prior to the hearing.

1. The applicant must submit a sketch plan and letter notices which are mailed to the property owner, if different than the applicant, and all property owners within one thousand (1,000) feet of the proposed development by certified mail at least fifteen (15) days prior to the Board of Adjustment hearing. In sparsely populated areas, staff may require additional notification. The applicant shall provide the Planning Office with addressed, stamped notices for this purpose, as well as a list of property owners to whom notices are sent. Notices will be mailed by staff at the applicant's expense.
2. Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper (s). The applicant shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published. Sample notice below:
3. **Fees** - Fees for variances, appeals or any other action brought before the Board of Adjustment will be \$250.00, if initiated by any person, firm or corporation other than the *original* applicant for the decision or permit in question.

Notice of Board of Adjustment Appeal Hearing

The Christian County Board of Adjustment will conduct a public hearing on the appeal of (Name of Appellant) concerning (case or decision being appealed). Public comment on this appeal will be accepted at the hearing, which will be held on (time, day, month, year) at 100 West Church Street, Room 208, Ozark, Mo. A copy of the appeal application is available for public review at the Christian County Planning and Zoning Department at 100 West Church Street, Room 203 in Ozark.

Notice of Board of Adjustment Variance Hearing

The Christian County Board of Adjustment will conduct a public hearing on the variance application of (Name of Applicant). The variance concerns (requirement or section of ordinances) as applied to a proposed (development) located at (legal description or address). Public comment on this application will be accepted at the hearing, which will be held on (time, day, month, and year) at 100 West Church Street, Room 208, Ozark, Mo. A copy of the appeal application is available for public review at the Christian County Planning and Zoning Department at 100 West Church Street, Room 203 in Ozark.

Section 4-67 Variances - As provided in RSMo 64.660.1 (3), the Board of Adjustment may grant variances from any absolute or relative policy for a specific parcel of property in accordance with this section.

- A. **Granting of Variance** - An application for variance shall be submitted to the Board of Adjustment by filing a copy of the application with the administrator in the planning department. Requests for variances shall be processed in the same way as any other appeal (see Section 4-68 - Appeals). The Board of Adjustment shall not issue a variance in any case where it can be demonstrated that the property can be developed for a use that does not require a variance or where the variance would cause a substantial detriment to the public good. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.
 2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
 3. The hardship relates to the exceptional narrowness, shallowness, shape, topography, or other exceptional condition of the applicant's land, rather than personal circumstances.
 4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
 5. The hardship is not the result of the applicant's own actions.
- B. **Conditions** - In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. A variance may be issued for an indefinite duration or for a specified duration only.

- C. **Enforcement** - The nature of the variance and any conditions attached to it shall be entered on the face of the land use permit, or the land use permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the manner as any other applicable requirement of the Unified Development Codes.

Section 4-68 Appeals - RSMo 64.660 states that appeals to the Board of Adjustment may be taken by an owner, lessee or tenant of land, or by a public officer, department, board or bureau severally aggrieved by any decision of the administrative officer or Planning and Zoning Commission in administering a County zoning ordinance, or by the inability to obtain a permit, or any other decision made in the administration of these Codes (such as a particular condition imposed on a permit). All appeals shall be heard by the Board of Adjustment.

- A. **Appeals Procedure** - An appeal shall be considered filed with the administrator and the Board of Adjustment when delivered to the planning department, and the date and time of filing shall be entered on the application by the planning staff.
1. Appeals must be filed within three (3) months of the decision being appealed. The appeal must state specifically what decision is being contested, what section(s) of these Codes that decision was made in pursuance of, and what relief is requested.
 2. Upon the filing of an appeal, the Chairman of the Board of Adjustment shall, within thirty (30) days, schedule a hearing date for the appeal. The appellant shall provide mail notice, Newspaper Notice, and the development site shall be posted (Section 4-65, I - Notice of Public Hearings).
- B. **Stay of Appeal** - An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in the administrator's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator. (See Section 4-20, D)

SUBDIVIDING LAND

Section 4-70 Subdivision of Land - In order to support the Comprehensive Plan's goals for guiding growth and development patterns, the subdivision of land is subject to the following permit procedures. No person may subdivide land unless and until a final plat of the subdivision has been approved in accordance with the provisions of these Codes and recorded in the Christian County Registry. The Christian County Recorder of Deeds may not record a plat of any subdivision within the County's planning jurisdiction unless the plat has been approved in accordance with the provisions of these Codes. If a property line dispute is discovered, the permit will be suspended and work shall cease until the line dispute is resolved. It shall be the applicant's responsibility to notify the Planning and Zoning Administrator and prove that the dispute exists.

1. **Major Subdivisions** are subject to Planning and Zoning approval process. Physical improvements to the land to be subdivided are authorized by a Division III permit as provided in Chapter Seven Division III Permits, and the sale of lots is permitted after final plat approval.
 2. **Minor Subdivisions** which require internal improvements are subject to the requirements of a Division II or III permit.
 3. **Administrative Minor Subdivisions** subject to the administrative approval process. Limited to 3 lots one time only of the parent tract.
- A. **Minimum Lot Sizes** - Other than for commercial use, there shall be no parcel created by regular subdividing means of less than three (3) acres, unless serviced by a municipal wastewater treatment system. Commercial uses that are not served by a municipal wastewater treatment system are limited to a minimum parcel size of one (1) acre. Developments served by a public water supply which elect to connect to a municipal wastewater treatment system are limited to minimum parcel sizes of 10,000 square feet for single family residences and 5,000 square feet for Duplexes, Multi-Family units, or Commercial Uses.
- B. **Permits for the Subdivision of Land**
The following table prescribes the permits required for the subdivision of land.

Table 4-1
Subdivision of Land

<u>Description of Subdivision</u>	<u>Permit Required</u>
Subdividing of land into two (2) or more tracts of 20 acres or more for agricultural purposes.	No Permit Required
Subdividing of land into three (3) or less tracts, with no required improvements and no easements vacated.	Division I Permit Required. Division II or III Permit will be required for further subdividing
Division of land into two (2) or more tracts with required improvements.	Division II or III Permit Required. Administrative decision required
Creation of a commercial lot.	Division III Permit Required
C. <u>Exemptions</u> - Subdividing for agricultural purposes into tracts with no internal improvements, all of which are 20 acres or more, division by court order, or for usage as a cemetery are not regulated. All other subdivisions require a permit. Division by court order, eminent domain, or transfer in lieu condemnation would be exempt. These exemptions do not include the required permits as stated in the Floodplain Ordinance 60.3(b) which was adopted by the County Commission on March 15, 1999.	
D. <u>Metes and Bounds</u> - Pursuant to RSMo 137.185, no tract or parcel of less than one-sixteenth of a section shall be conveyed by metes and bounds without a survey. Adding or combining any land of less than 20 acres would require that both parcels be surveyed and shown on the plat.	
E. <u>Road Frontage</u>	
1. In tracts of three (3) acres or more, road frontage must be at least two hundred (200) feet.	
2. In tracts of less than three (3) acres, road frontage must be at least eighty (80) feet.	
3. In tracts accessed by Cul-de-sacs, road frontage must be at least forty-five (45) feet.	

Section 4-75 Residential Density - Subject to the provisions of Section 4-70, A - Minimum Lot Sizes, every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table. A maximum of two single family dwelling units are allowed on one tract of land.

Residence	Minimum Lot Size Per Dwelling Unit Duplex & Multifamily	Minimum Lot Size Per Dwelling Unit Single Family
<u>Utilities</u> Septic, Private Well	N/A	130,680 sq. ft.
Municipal Water & Sewer	5,000 sq ft	10,000 sq ft

Section 4-76 Minor Subdivision Approval Process - The designated official shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section. The designated official shall take action on an application for minor subdivision plat approval within five (5) business days after receipt of all the applicable documentation.

- A.** The applicant for administrative minor subdivision approval must submit the following documentation:
1. A preliminary plat or a copy of a final plat conforming to the requirements set forth in Section 4-80 - Plats. (A final plat may be substituted for the preliminary) which will enable the designated official to determine whether the administrative approval process authorized by this section may be utilized.
 2. The permit application signed by the owner or legal representative.
 3. A copy of the tax map or documentation showing the land being subdivided and the history of all lots previously subdivided from that tract of land within the previous five years.
 4. A copy of the recorded deed of ownership.
 5. A driveway access permit must be attained for the subdivision from regular road or special road district foreman.
 6. The municipality's comment letter if the property lays within the Tier 1, 2, or 3 of the Urban Service Area adopted maps

- B. The Planning and Zoning Administrator may approve the subdivision of a parcel of land into not more than 3 tracts provided that the parcel was not created previously by the administrative minor subdivision process after the effective 10/17/2006 date and would not require any required improvements (Section 12-10). Any application which does not meet the following criteria shall be required to submit a Division II or III application. The administrator may at any time refer a minor subdivision to a Division II or III application process. After receiving administrative minor subdivision approval of up to 3 parcels, any further subdivision of the tracts created will require the applicant to apply for the Division II or Division III process.
- C. **The following requirements must be met:**
1. Not more than a total of three (3) tracts may be created out of the parent parcel, using the administrative minor subdivision plat approval process. The remainder of the parent parcel of less than 20 acres will be one of the three tracts allowed
 2. Approval of any plat is contingent upon the plat being recorded within 60 days after the date the Certificate of Approval is signed by the official.
 3. An administrative minor subdivision may create a 25' Private Easement (Section 15-24) which serves one tract or a 50' Private Road (Section 15-23) that serves not more than (2) two tracts. The tracts to be created adjoining a County or State Road must have 200 feet of road frontage on the road in question. Approval may require the dedication of right-of-way on a deficient road, in order to meet the 50 foot County right-of-way requirements (25 feet from the center of the right-of-way). Any future development will require a 50 foot dedicated right-of way easement. The Administrator may refer the applicant to apply for a Division II or III permit in cases where an internal road built to County standards would better serve the development.
 4. If the property is located in an area adjacent to but beyond the USA boundary, encompassing both Tier One and Tier Two Service Areas, that shall not be subdivided into lots of record less than ten acres in size.
- D. **Additional Steps for Subdivisions**
1. A final subdivision plat must be filed for the staff's review within one (1) year after the application for a subdivision permit has been approved.
 2. The final plat shall accurately reflect all representations made and conditions imposed in the decision of record and meet the platting standards of Section 4-80 - Plats. If the staff finds that the final plat meets these requirements, staff shall sign the plat, after which it shall be recorded. If staff finds the final plat does not meet the requirements, developer may appeal the staff decision to the Planning and Zoning Commission by giving notice of appeal within twenty (20) days after the refusal, and The Planning and Zoning Commission will hear the appeal at the next meeting at least twenty (20) days after the appeal is filed in writing.

Section 4-77 Major Subdivision Approval Process - The designated official shall approve or disapprove final plats for major subdivisions which have received Division III Permits, in accordance with the provisions of this section.

1. The designated official shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of these Codes or that the final plat differs substantially from the plans and specifications approved in conjunction with the permit that authorized the development of the subdivision.
2. If the final plat is disapproved by the designated official, the applicant shall be furnished with a written statement of the reasons for the disapproval.
3. Approval of a final plat is contingent upon the plat being recorded within 60 days after the date the certificate of approval is signed by the designated official.

Section 4-78 Plat Approval Not Acceptance of Dedication Offers - Approval of a plat does not constitute acceptance by the County of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the County may accept any such offer of dedication by resolution of the County Commission or by actually exercising control over and maintaining such facilities.

Section 4-80 Plat Contents

- A. Preliminary Plats** - Preliminary subdivision plats shall conform to current surveying practice and shall show the following information:
1. A title block giving the subdivision's name and the quarter-quarter section, section, township, range, principal meridian, and County of its location.
 2. The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given, including the curve's radius, central angle, and arc length.
 3. A notation of any adjoining plats or certificates of survey and ties thereto.
 4. The basis of bearings used and a north point.
 5. A scale, not smaller than one inch (1") to two hundred feet (200').
 6. All existing monuments found during the course of the survey, including a physical description, such as "brass cap."
 7. All existing easements or rights-of-way, including those contiguous to the platted area, their nature, width and the book and page numbers where recorded.
 8. All lots, blocks, rights-of-way and easements to be created by the subdivision with their boundary, bearings, lengths and widths.
 9. All monuments set during the course of the survey, in accordance with Missouri Minimum Standards, and including appropriate witness monuments.
 10. The area of the smallest and largest lots created by the subdivision; and in a separate table or in the owner's certificate, a summary of total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels.
 11. A vicinity map locating the subdivision within the section, identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.
 12. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.

- B. Final Plats Major Subdivisions** - In addition to that information shown on the preliminary plat, major subdivision final plats shall include the appropriate endorsements, as provided in Section 4-80 (H)- Endorsements for Major Subdivisions Final Plats, and the following information:
1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Christian County Registry.
 2. The name of the subdivision owner or owners.
 3. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph.
 4. The owner's certificate of dedication, including a legal description of the subdivision's boundaries and the dedication of public or private ways or spaces. This certificate shall be signed, dated, and notarized.
 5. The owner's certificate should include a reference to any covenants to be imposed contemporaneously, with blanks where the Christian County Recorder may enter the book and page number of their recording.
 6. A certificate of consent (which may be a separate document) from any and all mortgagees, deed of trust beneficiaries or other lien holders. These certificates shall be signed, dated, and notarized.
 7. If a National or Missouri Geographical Reference System control station is within one (1) mile of the major subdivision, the final plat shall be tied to the control station by at least two permanent monuments within the subdivision, and the corner used to tie the major subdivision to the United States Public Land Survey system as recognized by the Bureau of Land Management.
 8. All plats must be submitted in electronic format suitable for use by the County Assessor's Office.
 9. Roads within a subdivision that end in a cul-de-sac shall contain a legal description of ROW for future road development on the plat and be dedicated to Christian County as "Dedicated ROW for Future Road Development" which continues from the cul-de-sac to adjoining property for future development to be determined by P&Z or the road Commissioner. Section 15-20, (L-4)
 10. When plats include a newly formed ROW, a form known as "Conveyance of ROW" shall be signed by the Owner/Developer as part of the subdivision with the legal on the conveyance and on the plat. This conveyance shall be part of a Minor or Div III subdivision. Section 15-20, (L-5)
 11. Final improvement plans showing all required improvements showing typical road sections, typical culvert installations, and similar information to facilitate long-run maintenance of the improvements. Section 4-80 (G)

- C. **Final Plats Minor Subdivisions** - In addition to that information required on the preliminary plat, minor subdivision final plats shall include the following information:

1. **Certificate of Ownership**

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the County of Christian, and that I freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as easements or deficient Right of Way, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

Date

Owner

2. **Certificate of Approval**

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with The Unified Development Codes for Christian County, and that therefore this plat has been approved by the Christian County Planning and Zoning Department, subject to being recorded in the Christian County Registry within 60 days of the date below.

Date

Planning Director

3. A certificate of survey and accuracy, in the form stated in Section 4-80 (H-3) - Certificate of Survey and Accuracy.

4. **Private Roads and easements** - The recorded plat of any subdivision that includes a private road or easement shall clearly state that such road is a private road. No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notation:

“Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Unified Development Codes”

- D. **Plat Materials, Size, Copies** - The applicant for major subdivision final plat approval shall submit to the administrator a final plat, drawn in waterproof ink on a sheet made of a stable base polyester film (Mylar), along with two paper copies, and electronic format acceptable to county assessor’s office. The applicant for minor subdivision final plat approval shall submit to the administrator three paper copies of a final plat.

- E. **Multiple Sheets** - When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps.)
- F. **Final Plat Accuracy** - Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.
- G. **Final Improvement Plans** - Plans showing all required improvements shall be submitted with the Final Plat, showing typical road sections, typical culvert installations, and similar information to facilitate long-run maintenance of the improvements.
- H. **Endorsements for Major Subdivisions Final Plats** - All major subdivision plats shall contain the endorsements in essentially the same form as shown in the examples listed in Subdivisions (1), (2), (3) and (4) herein.

1. **Certificate of Approval**

I hereby certify that the subdivision shown on this plat is in all respects in compliance with The Unified Development Codes for Christian County, and that therefore this plat has been approved by the Christian County Planning and Zoning Department, subject to its being recorded in the Christian County Registry within 60 days of the date below.

Date

Planning Director

2. **Certificate of Ownership**

I hereby certify that I, (Owners Name), am the owner of the property described hereon, and that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 24 months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated to public use shall be deemed to be dedicated for any public use authorized by law when such other use is approved by the appropriate public authority in the public interest.

(If covenants or restrictions are proposed ;) Restrictions and/or Covenants recorded in Book___ Page ___, in the Christian County Recorder's Office

Date

Owner

(Notarized)

EFFECTIVE DATE; January 15, 2009

3. **Certificate of Survey and Accuracy**

I hereby certify that this map (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (other); and I did attempt to meet the current Minimum Standards for Property Boundary Surveys of the Missouri Department of Natural Resources, and the standards adopted by the Missouri Board for Architects, Professional Engineers and Land Surveyors. Witness my signature, registration number and seal this _____ day of _____, 20____.

Seal or Stamp

Professional Land Surveyor

Registration Number: _____

4. **Certificate By Collectors Office**

I hereby certify that all County taxes assessed against the property described hereon have been paid.

Date

County Collector

5. **Private Roads** - The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notation:

"Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Unified Development Codes."